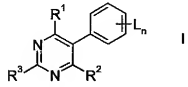
AMENDMENTS TO THE CLAIMS

1. (Currently Amended) A 2-substituted pyrimidine of the formula I



I

in which the index and the substituents are as defined below:

n is an integer from 1 to 5, where at least one substituent L is located in the ortho-position on the phenyl ring;

L is halogen, cyano, ~~nitro,~~ cyanato (OCN), C_1-C_8-alkyl, C_2-C_{10}-alkenyl, C_2-C_{10}-alkynyl, C_1-C_6-alkoxy, C_2-C_{10}-alkenyloxy, C_2-C_{10}-alkynyloxy, C_3-C_6-cycloalkyl, C_3-C_6-cycloalkenyl, C_3-C_6-cycloalkoxy, C_3-C_6-cycloalkenyloxy, ~~-C(=S)-N(A')A, C(=NA')-SA,~~ -C(=O)-A, -C(=O)-O-A, -C(=O)-N(A')A, C(A')(=N-OA), N(A')A, N(A')-C(=O)-A, N(A'')-C(=O)-N(A')A, $S(=O)_m$-A, $S(=O)_m$-O-A or $S(=O)_m$-N(A')A,

m is 0, 1 or 2;

A, A', A'' independently of one another are hydrogen, C_1-C_6-alkyl, C_2-C_6-alkenyl, C_2-C_6-alkynyl, C_3-C_8-cycloalkyl, C_3-C_8-cycloalkenyl, phenyl, where the organic radicals may be partially or fully halogenated or may be substituted by cyano or C_1-C_4-alkoxy; or A and A' together with the atoms to which they are attached are a five- or six-membered saturated, partially unsaturated or aromatic heterocycle which contains one to four heteroatoms from the group consisting of O, N and S;

R^1 is C_3-C_{10}-alkyl, C_3-C_{10}-alkenyl, C_3-C_{10}-alkynyl, C_3-C_{12}-cycloalkyl, C_3-C_{10}-cycloalkenyl or a five- to ten-membered saturated, partially unsaturated or aromatic heterocycle which is attached via carbon and contains one to four heteroatoms from the group consisting of O, N and S,

R^2 is halogen, cyano, C_1-C_4-alkyl, C_2-C_4-alkenyl, C_2-C_4-alkynyl, C_1-C_4-alkoxy, C_3-C_4-alkenyloxy or C_3-C_4-alkynyloxy, where the alkyl, alkenyl and alkynyl radicals of R^2 may be substituted by halogen, cyano, nitro, C_1-C_2-alkoxy or C_1-C_4-alkoxycarbonyl,

where the aliphatic, alicyclic or aromatic groups of the radical definitions of L, R^1 and/or R^2 for their part may be partially or fully halogenated or may carry one to four groups R^u:

R^u is halogen, cyano, C_1-C_8-alkyl, C_2-C_{10}-alkenyl, C_2-C_{10}-alkynyl, C_1-C_6-alkoxy, C_2-C_{10}-alkenyloxy, C_2-C_{10}-alkynyloxy, C_3-C_6-cycloalkyl, C_3-C_6-cycloalkenyl, C_3-C_6-cycloalkoxy, C_3-C_6-cycloalkenyloxy, -C(=O)-A, -C(=O)-O-A, -C(=O)-N(A')A, C(A')(=N-OA), N(A')A, N(A')-C(=O)-A, N(A'')-C(=O)-N(A')A, $S(=O)_m$-A, $S(=O)_m$-O-A or $S(=O)_m$-N(A')A, where m, A, A', A'' are as defined above and where the aliphatic, alicyclic or aromatic groups for their part may be partially or fully halogenated or may carry one to three groups R^v, R^v having the same meaning as R^u;

R^3 is cyano, CO_2R^a, C(=O)NR^zR^b, C(=O)-N-OR^b, ~~C(=S)-NR^zR^b~~, C(=NOR^a)NR^zR^b, C(=NR^a)NR^zR^b, C(=O)NR^a-NR^zR^b, C(=N-NR^zR^c)NR^aR^b, C(=O)R^a, C(=NOR^b)R^a, C(=N-NR^zR^b)R^a, CR^aR^b-OR^z, CR^aR^b-NR^zR^c, ON(=CR^aR^b), O-C(=O)R^a, $NR^aR^{b'}$, NR^a(C(=O)R^b), NR^a(C(=O)OR^b), NR^a(C(=O)-NR^zR^b), NR^a(C(=NR^c)R^b), NR^a(N=CR^cR^b), NR^a-NR^zR^b, NR^z-OR^a, NR^a(C(=NR^c)-NR^zR^b), NR^a(C(=NOR^c)R^b); where

R^a,R^b,R^c independently of one another are hydrogen, C_1-C_6-alkyl, C_2-C_6-alkenyl, C_2-C_6-alkynyl, C_3-C_6-cycloalkyl or C_4-C_6-cycloalkenyl;

$R^{b'}$ has the same meanings as R^b, except for hydrogen;

R^z has the same meanings as R^a and may additionally be –CO-R^a;

where the aliphatic or alicyclic groups of the radical definitions of R^a,R^b,R^c or R^z for their part may be partially or fully halogenated or may carry one to four groups R^w:

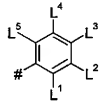
R^w is halogen, cyano, C_1-C_8-alkyl, C_2-C_{10}-alkenyl, C_2-C_{10}-alkynyl, C_1-C_6-alkoxy, C_2-C_{10}-alkenyloxy, C_2-C_{10}-alkynyloxy, C_3-C_6-cycloalkyl, C_3-C_6-cycloalkenyl, C_3-C_6-cycloalkoxy, C_3-C_6-cycloalkenyloxy, and where two of the radicals R^a, R^b, R^c or R^z together with the atoms to which they are attached may form a five- or six-membered saturated, partially unsaturated or aromatic heterocycle which contains one to four heteroatoms from the group consisting of O, N and S.

2. (Original) A 2-substituted pyrimidine according to claim 1 where R^2 is chlorine, cyano, methyl, ethyl or methoxy.

3. (Currently Amended) A 2-substituted pyrimidine according to claim 1 where R^3 is cyano, C(=O)NR^zR^b, ~~C(=S)NR^aR^b~~, C(=NOR^a)NR^zR^b, C(=NOR^b)R^a, C(=N-NR^zR^b)R^a or CR^aR^b-NR^zR^c.

4. (Original) A 2-substituted pyrimidine according to claim 1 where R^3 is ON(=CR^aR^b), NR^a(C(=O)R^b), NR^a(C(=O)OR^b), NR^a(N=CR^cR^b) or NR^z-OR^a.

5. (Previously Presented) A 2-substituted pyrimidine according to claim 1 in which the phenyl group substituted by L_n is the group B



B

where # is the point of attachment to the pyrimidine skeleton and

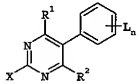
L^1 is fluorine, chlorine, CH_3 or CF_3;

L^2,L^4 independently of one another are hydrogen, CH_3 or fluorine;

L^3 is hydrogen, fluorine, chlorine, cyano, CH_3, SCH_3, OCH_3, SO_2CH_3, NH-C(=O)CH_3, N(CH_3)-C(=O)CH_3 or $COOCH_3$ and

L^5 is hydrogen, fluorine, chlorine or CH_3.

6. (Original) A process for preparing 2-substituted pyrimidines of the formula I according



III

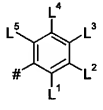
to claim 1 where R^3 is cyano, which comprises reacting a compound of the formula III, in which the substituents L, R^1 and R^2 are as defined in claim 1 and X is halogen, C_1-C_6-alkoxy, C_1-

C_6-alkylthio, C_1-C_6-alkylsulfoxyl, C_1-C_6-alkylsulfonyl or C_1-C_6-alkylsulfenyl with a hydrocyannic acid derivative, if appropriate in the presence of a base.

7. (Original) A composition suitable for controlling harmful fungi which comprises a solid or liquid carrier and a compound of the formula I according to claim 1.

8. (Original) A method for controlling phytopathogenic harmful fungi which comprises treating the fungi or the materials, plants, the soil or seeds to be protected against fungal attack with an effective amount of a compound of the formula I according to claim 1.

9. (Previously Presented) A 2-substituted pyrimidine according to claim 2 in which the phenyl group substituted by L_n is the group B



B

where # is the point of attachment to the pyrimidine skeleton and

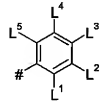
L^1 is fluorine, chlorine, CH_3 or CF_3;

L^2,L^4 independently of one another are hydrogen, CH_3 or fluorine;

L^3 is hydrogen, fluorine, chlorine, cyano, CH_3, SCH_3, OCH_3, SO_2CH_3, NH-C(=O)CH_3, N(CH_3)-C(=O)CH_3 or $COOCH_3$ and

L^5 is hydrogen, fluorine, chlorine or CH_3.

10. (Previously Presented) A 2-substituted pyrimidine according to claim 3 in which the phenyl group substituted by L_n is the group B



B

where # is the point of attachment to the pyrimidine skeleton and

L^1 is fluorine, chlorine, CH_3 or CF_3;

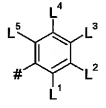
L^2,L^4 independently of one another are hydrogen, CH_3 or fluorine;

L^3 is hydrogen, fluorine, chlorine, cyano, CH_3, SCH_3, OCH_3, SO_2CH_3, NH-C(=O)CH_3, N(CH_3)-C(=O)CH_3 or $COOCH_3$ and

L^5 is hydrogen, fluorine, chlorine or CH_3.

11. (Cancelled)

12. (Previously Presented) A 2-substituted pyrimidine according to claim 4 in which the phenyl group substituted by L_n is the group B



B

where # is the point of attachment to the pyrimidine skeleton and

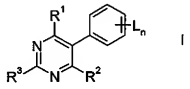
L^1 is fluorine, chlorine, CH_3 or CF_3;

L^2,L^4 independently of one another are hydrogen, CH_3 or fluorine;

L^3 is hydrogen, fluorine, chlorine, cyano, CH_3, SCH_3, OCH_3, SO_2CH_3, NH-C(=O)CH_3, N(CH_3)-C(=O)CH_3 or $COOCH_3$ and

L^5 is hydrogen, fluorine, chlorine or CH_3.

13. (New) A 2-substituted pyrimidine of the formula I



I

in which the index and the substituents are as defined below:

n is an integer from 1 to 5, where at least one substituent L is located in the ortho-position on the phenyl ring;

L is nitro, -C(=S)-N(A')A, or -C(=NA')-SA,

m is 0, 1 or 2;

A, A', A'' independently of one another are hydrogen, C_1-C_6-alkyl, C_2-C_6-alkenyl, C_2-C_6-alkynyl, C_3-C_8-cycloalkyl, C_3-C_8-cycloalkenyl, phenyl, where the organic radicals may be partially or fully halogenated or may be substituted by cyano or C_1-C_4-alkoxy; or A and A' together with the atoms to which they are attached are a five- or six-membered saturated, partially unsaturated or aromatic heterocycle which contains one to four heteroatoms from the group consisting of O, N and S;

R^1 is C_3-C_{10}-alkyl, C_3-C_{10}-alkenyl, C_3-C_{10}-alkynyl, C_3-C_{12}-cycloalkyl, C_3-C_{10}-cycloalkenyl or a five- to ten-membered saturated, partially unsaturated or aromatic heterocycle which is attached via carbon and contains one to four heteroatoms from the group consisting of O, N and S,

R^2 is halogen, cyano, C_1-C_4-alkyl, C_2-C_4-alkenyl, C_2-C_4-alkynyl, C_1-C_4-alkoxy, C_3-C_4-alkenyloxy or C_3-C_4-alkynyloxy, where the alkyl, alkenyl and alkynyl radicals of R^2 may be substituted by halogen, cyano, nitro, C_1-C_2-alkoxy or C_1-C_4-alkoxycarbonyl,

where the aliphatic, alicyclic or aromatic groups of the radical definitions of L, R^1 and/or R^2 for their part may be partially or fully halogenated or may carry one to four groups R^u:

R^u is halogen, cyano, C_1-C_8-alkyl, C_2-C_{10}-alkenyl, C_2-C_{10}-alkynyl, C_1-C_6-alkoxy, C_2-C_{10}-alkenyloxy, C_2-C_{10}-alkynyloxy, C_3-C_6-cycloalkyl, C_3-C_6-cycloalkenyl, C_3-C_6-cycloalkoxy, C_3-C_6-cycloalkenyloxy, -C(=O)-A, -C(=O)-O-A, -C(=O)-N(A')A, C(A')(=N-OA), N(A')A, N(A')-C(=O)-A, N(A'')-C(=O)-N(A')A, $S(=O)_m$-A, $S(=O)_m$-O-A or $S(=O)_m$-N(A')A, where m, A, A', A'' are as defined above and where the aliphatic, alicyclic or aromatic groups for their part may be partially or fully halogenated or may carry one to three groups R^v, R^v having the same meaning as R^u;

R^3 is cyano, CO_2R^a, $C(=O)NR^zR^b$, $C(=O)$-N-OR^b, $C(=S)$-NR^aR^b, $C(=NOR^a)NR^zR^b$, $C(=NR^a)NR^zR^b$, $C(=O)NR^a$-NR^zR^b, $C(=N$-$NR^zR^c)NR^aR^b$, $C(=O)R^a$, $C(=NOR^b)R^a$, $C(=N$-$NR^zR^b)R^a$, CR^aR^b-OR^z, CR^aR^b-NR^zR^c, $ON(=CR^aR^b)$, O-$C(=O)R^a$, $NR^aR^{b'}$, $NR^a(C(=O)R^b)$, $NR^a(C(=O)OR^b)$, $NR^a(C(=O)$-$NR^zR^b)$, $NR^a(C(=NR^c)R^b)$, $NR^a(N=CR^cR^b)$, NR^a-NR^zR^b, NR^z-OR^a, $NR^a(C(=NR^c)$-$NR^zR^b)$, $NR^a(C(=NOR^c)R^b)$; where

R^a,R^b,R^c independently of one another are hydrogen, C_1-C_6-alkyl, C_2-C_6-alkenyl, C_2-C_6-alkynyl, C_3-C_6-cycloalkyl or C_4-C_6-cycloalkenyl;

$R^{b'}$ has the same meanings as R^b, except for hydrogen;

R^z has the same meanings as R^a and may additionally be –CO-R^a;

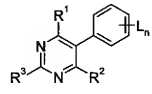
where the aliphatic or alicyclic groups of the radical definitions of R^a,R^b,R^c or R^z for their part may be partially or fully halogenated or may carry one to four groups R^w:

R^w is halogen, cyano, C_1-C_8-alkyl, C_2-C_{10}-alkenyl, C_2-C_{10}-alkynyl, C_1-C_6-alkoxy, C_2-C_{10}-alkenyloxy, C_2-C_{10}-alkynyloxy, C_3-C_6-cycloalkyl, C_3-C_6-cycloalkenyl, C_3-C_6-cycloalkoxy, C_3-C_6-cycloalkenyloxy, and where two of the radicals R^a, R^b, R^c or R^z together with the atoms to which they are attached may form a five- or six-membered saturated, partially unsaturated or aromatic heterocycle which contains one to four heteroatoms from the group consisting of O, N and S.

14. (New) A composition suitable for controlling harmful fungi which comprises a solid or liquid carrier and a compound of the formula I according to claim 13.

15. (New) A method for controlling phytopathogenic harmful fungi which comprises treating the fungi or the materials, plants, the soil or seeds to be protected against fungal attack with an effective amount of a compound of the formula I according to claim 13.

16. (New) A 2-substituted pyrimidine of the formula I



I

in which the index and the substituents are as defined below:

n is an integer from 1 to 5, where at least one substituent L is located in the ortho-position on the phenyl ring;

L is halogen, cyano, nitro, cyanato (OCN), C_1-C_8-alkyl, C_2-C_{10}-alkenyl, C_2-C_{10}-alkynyl, C_1-C_6-alkoxy, C_2-C_{10}-alkenyloxy, C_2-C_{10}-alkynyloxy, C_3-C_6-cycloalkyl, C_3-C_6-cycloalkenyl, C_3-C_6-cycloalkoxy, C_3-C_6-cycloalkenyloxy, -C(=S)-N(A')A, -C(=NA')-SA, -C(=O)-A, -C(=O)-O-A, -C(=O)-N(A')A, C(A')(=N-OA), N(A')A, N(A')-C(=O)-A, N(A'')-C(=O)-N(A')A, $S(=O)_m$-A, $S(=O)_m$-O-A or $S(=O)_m$-N(A')A,

m is 0, 1 or 2;

A, A', A'' independently of one another are hydrogen, C_1-C_6-alkyl, C_2-C_6-alkenyl, C_2-C_6-alkynyl, C_3-C_8-cycloalkyl, C_3-C_8-cycloalkenyl, phenyl, where the organic radicals may be partially or fully halogenated or may be substituted by cyano or C_1-C_4-alkoxy; or A and A' together with the atoms to which they are attached are a five- or six-membered saturated, partially unsaturated or aromatic heterocycle which contains one to four heteroatoms from the group consisting of O, N and S;

R^1 is C_3-C_{10}-alkyl, C_3-C_{10}-alkenyl, C_3-C_{10}-alkynyl, C_3-C_{12}-cycloalkyl, C_3-C_{10}-cycloalkenyl or a five- to ten-membered saturated, partially unsaturated or aromatic heterocycle

which is attached via carbon and contains one to four heteroatoms from the group consisting of O, N and S,

R^2 is halogen, cyano, C_1-C_4-alkyl, C_2-C_4-alkenyl, C_2-C_4-alkynyl, C_1-C_4-alkoxy, C_3-C_4-alkenyloxy or C_3-C_4-alkynyloxy, where the alkyl, alkenyl and alkynyl radicals of R^2 may be substituted by halogen, cyano, nitro, C_1-C_2-alkoxy or C_1-C_4-alkoxycarbonyl,

where the aliphatic, alicyclic or aromatic groups of the radical definitions of L, R^1 and/or R^2 for their part may be partially or fully halogenated or may carry one to four groups R^u:

R^u is halogen, cyano, C_1-C_8-alkyl, C_2-C_{10}-alkenyl, C_2-C_{10}-alkynyl, C_1-C_6-alkoxy, C_2-C_{10}-alkenyloxy, C_2-C_{10}-alkynyloxy, C_3-C_6-cycloalkyl, C_3-C_6-cycloalkenyl, C_3-C_6-cycloalkoxy, C_3-C_6-cycloalkenyloxy, -C(=O)-A, -C(=O)-O-A, -C(=O)-N(A')A, C(A')(=N-OA), N(A')A, N(A')-C(=O)-A, N(A'')-C(=O)-N(A')A, $S(=O)_m$-A, $S(=O)_m$-O-A or $S(=O)_m$-N(A')A, where m, A, A', A'' are as defined above and where the aliphatic, alicyclic or aromatic groups for their part may be partially or fully halogenated or may carry one to three groups R^v, R^v having the same meaning as R^u;

R^3 is C(=S)-NR^aR^b; where

R^a,R^b,R^c independently of one another are hydrogen, C_1-C_6-alkyl, C_2-C_6-alkenyl, C_2-C_6-alkynyl, C_3-C_6-cycloalkyl or C_4-C_6-cycloalkenyl;

where the aliphatic or alicyclic groups of the radical definitions of R^a,R^b,R^c or R^z for their part may be partially or fully halogenated or may carry one to four groups R^w:

R^w is halogen, cyano, C_1-C_8-alkyl, C_2-C_{10}-alkenyl, C_2-C_{10}-alkynyl, C_1-C_6-alkoxy, C_2-C_{10}-alkenyloxy, C_2-C_{10}-alkynyloxy, C_3-C_6-cycloalkyl, C_3-C_6-cycloalkenyl, C_3-C_6-cycloalkoxy, C_3-

C_6-cycloalkenyloxy, and where two of the radicals R^a, R^b, R^c or R^z together with the atoms to which they are attached may form a five- or six-membered saturated, partially unsaturated or aromatic heterocycle which contains one to four heteroatoms from the group consisting of O, N and S.

17. (New) A composition suitable for controlling harmful fungi which comprises a solid or liquid carrier and a compound of the formula I according to claim 16.

18. (New) A method for controlling phytopathogenic harmful fungi which comprises treating the fungi or the materials, plants, the soil or seeds to be protected against fungal attack with an effective amount of a compound of the formula I according to claim 16.